



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,793	09/03/2003	Rolf Bruck	E-80042	4527

24131 7590 08/10/2005
LERNER AND GREENBERG, PA
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

KENNY, STEPHEN

ART UNIT PAPER NUMBER

3726

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/653,793	Applicant(s) BRUCK, ROLF	
	Examiner Stephen J. Kenny	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiaki (JP 01012018) in view of Okabe et al. (US Patent No 5791043).

In the arguments filed 5/17/05 the applicant states that the examiner incorrectly cited the Inventor's name of the Japanese Publication Number 01012018 as Toshiaki instead of Toshimi. However according to the inventorship listed for the reference relied upon by the examiner, the correct spelling is indeed Asada Toshiaki. (Further information about this reference is as such: Application number 62167458 which was filed April 7, 1987 and published January 17, 1989).

Regarding claims 1-3, Toshiaki discloses a process for producing a metallic honeycomb body comprising for a catalytic converter forming passages for an exhaust gas: comprises the following steps: forming a void (50-52) in a metal foil and subsequently structuring the metal foils at least partially; processing the at least partially structured metal foils with a process selected from the group of stacking and winding to form a honeycomb structure with passages for conducting a gas therethrough (Figure 2), and to place the at least one metal foil such that the void defines a receptacle extending into an interior of the honeycomb structure and being configured to receive therein a sensor device (40); providing a tubular casing (11) with an opening and introducing the honeycomb structure into the tubular casing, with the opening at

least partly aligned with the receptacle; and connecting the metal foils and the tubular suitable joining technique (Figure 5).

Regarding claims 6-7, 9 Toshiaki discloses stacking the metal coils (Figure 3), and then winding (Figure 2); as well as the voids being U shaped recesses (Figure 2); wherein the profile follows a profile of the metal foils (Figure 2).

Regarding claim 10, Toshiaki discloses inserting the sensor having a shape corresponding to the receptacle (Figure 1).

Toshiaki does not explicitly disclose forming voids in the metal foil (21) prior to forming structures (22).

Okabe discloses forming voids (4) on metal foil (1) and subsequently forming structures (2, 3) on said foil to define air passages on the metal foils (Abstract lines 8+, and Figures 6-8). The forming of voids prior to forming structures on the metal foil is advantageous in that allows for more efficient joining of the sheets (column 1, lines 24-33, 55-65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a metallic honeycomb body as disclosed by Toshiaki, by forming voids followed by subsequent structuring as taught by Okabe in order to realize this advantage.

Claims 4-5, 8, & 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiaki/Okabe as modified above.

Toshiaki/Okabe discloses the claimed invention except for the specific dimensions as claimed. It would have been an obvious matter of design choice to form a catalytic converter as

Art Unit: 3726

disclosed by Toshiaki/Okabe having the particular dimensions claimed, since applicant has not disclosed that such dimensions solve any stated problem or are for any particular purpose.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

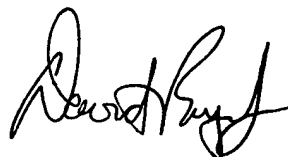
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Kenny whose telephone number is 571-272-4531. The examiner can normally be reached on mon - fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sk

S. Kenny



DAVID P. BRYANT
PRIMARY EXAMINER